

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

CEDRIC GREENE,

Plaintiff,

V.

SPRINT NEXTEL CORPORATION,

Defendant.

Case No. 2:15-cv-00238-RFB-NJK

**ORDER ADOPTING REPORT &
RECOMMENDATION OF
MAGISTRATE JUDGE NANCY KOPPE**

I. INTRODUCTION

Before the Court for consideration is the Report and Recommendation of the Honorable Nancy Koppe, United States Magistrate Judge, entered April 6, 2015, that the action be dismissed without prejudice. ECF No. 5. Plaintiff Greene filed an objection to the Report and Recommendation on April 16, 2015. ECF No. 7. The Court has conducted a *de novo* review of the record and, as set forth below, adopts the Report and Recommendation and dismisses the Plaintiff's action without prejudice.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” *de novo* or otherwise, of the report and recommendations of a magistrate judge.

Thomas v. Arn, 474 U.S. 140, 149 (1985). Here, the Plaintiff objects to the Report and Recommendation which recommended rejecting the Judge Koppe's Report and Recommendation. Accordingly, the Court will conduct a *de novo* review.

The Court has conducted a *de novo* review of the filings in this case and adopts Judge Koppe’s Report and Recommendation in full. Judge Koppe provided two reasons why this Court should dismiss Plaintiff’s Complaint. First, venue in the District of Nevada is improper, as the actions giving rise to the Complaint occurred in California. See 28 U.S.C. § 1391(b). Second, this Court lacks jurisdiction over this action, because the parties do not appear to be diverse, and the amount in controversy does not exceed \$75,000. See 28 U.S.C. § 1332(a).

Plaintiff does not contest Judge Koppe's finding that venue in the district of Nevada is inappropriate. ECF No. 7 at 2. Nor does Plaintiff provide a basis for federal court jurisdiction. Id. at 3.

Therefore, the Court adopts Judge Koppe's recommendation to dismiss Plaintiff's action without prejudice.

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 5) is
ADOPTED in full.

IT IS FURTHER ORDERED that the action is dismissed without prejudice. Plaintiff is instructed that he may commence a new action in which he either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis*

DATED this 30th day of December, 2015.

8

**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**